

Divorce & Separation

Legal assistance attorneys frequently advise military members or their spouses on marriage, divorce, legal separation, child support, child custody, military pension division and benefits under the Uniformed Services Former Spouses' Protection Act, and related issues. If you are considering a divorce or separation see a legal assistance attorney or civilian family law attorney to discuss which might be better for your specific situation.

Divorce has both financial costs and emotional strains for all involved. Financial expenses include legal and civilian attorney fees, the costs of dividing property, possibly child support and alimony, and the costs of separate living places. Emotional stress comes with child custody and care issues and the adjustment to a new life style – being single again.

Frequently Asked Questions & Answers:

Can I Get A Divorce At The Legal Assistance Office?

No. You have to go to court to get a divorce, and you will probably need a private attorney too. Although you are not legally required to have an attorney, it is sometimes difficult to get a divorce without one. Even though a legal assistance attorney usually cannot go to court for you, he or she may still advise you about the issues and procedures in your case and prepare a separation agreement for you and your spouse to sign, if appropriate.

Where May I Get Divorced?

You can't just file for divorce anywhere. A valid and legal divorce can only be granted in the "home state" or domicile of either the husband or the wife. This means the true legal home of one of the marriage partner(s) (usually at least one of the parties has to have been a resident for at least six (6) months for a state to take jurisdiction over a divorce).

What Happens In A Divorce?

- First of all, you become single again -- you are no longer married. Once a divorce is finalized you can date, get remarried or stay single.
- You can file your taxes as "Single" (or, if you have dependents living with you, as "Head of Household") rather than as "Married."
- The ex-wife may resume using her maiden name. Often this may be requested in the divorce papers that she files or in a separate Name Change action later.
- A divorce, however, does not necessarily mean that child support, alimony, property division, and custody are all resolved. This depends on the law of the particular place (state or country) where you file for divorce or dissolution of marriage. In some states, these issues must be resolved before the divorce is granted. In others, however, the divorce is entirely separate from these other issues and may be granted independently of a resolution of these issues; you can go ahead and litigate (fight in court) any contested issues at any time before or after the divorce, which is granted independent of the claims for property division, custody, child support and alimony.

How Long Does A Divorce Take? What Are The Grounds? Can My Husband/Wife Contest The Divorce?

It depends entirely on the law... the law of the place where you get divorced. And that means about 50 different answers are possible for just the United States alone. In fact, in some states the answers vary from county to county or even from city to city in the same county. You'll have

to ask your legal assistance attorney or your divorce lawyer these questions in order to get the right answers.

Do I Need a Separation Agreement to Get a Divorce?

No, you do not need a separation agreement to obtain a divorce. While a separation agreement will usually make the divorce simpler, cheaper, and sometimes faster to get, it is not a requirement for divorce. Consider a separation agreement if you think you and your spouse can agree on its terms, since this means a full resolution of all your differences and it leaves less to fight over with lawyers in court. In Korea, the Legal Assistance Office can assist you in drafting a separation agreement.

Since My Spouse and I Agree on all the Terms of the Divorce, Can We Do So Without a Lawyer (and save \$\$)?

In some states there is a simplified procedure for "pro se divorce" (basically "do-it-yourself"). In such cases, there are standard forms in which you fill in the blanks, or sometimes there are examples you can follow to start your divorce. Then you would need to serve these papers on your spouse, usually by certified mail, by sheriff or by a "process-server" (that is, a person who delivers court papers). If your spouse does not respond within a certain period of time, the court will either grant your divorce then and there, or may allow a hearing to decide.

Please note that there is no easy way of knowing which states allow this simplified procedure or which ones make it easier or more difficult for you to get your own divorce without a lawyer. Ask a legal assistance attorney to advise you.

What If My Spouse Won't Give Me A Divorce?

The judge grants a divorce, not your spouse. If your spouse won't cooperate with you, it will take longer and probably cost more to get your divorce, but you can still get one.

Is My Divorce Final When the Judge Signs the Decree?

Not always. In some states there is a waiting period after entry of judgment before the divorce becomes final. In other states, it's final when signed by the judge. When in doubt, ask your divorce attorney or check the divorce judgment itself the decree may state its effective date.